

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RODERICK EARSEL WEBSTER,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-12-1357-F
)	
JUSTIN JONES,)	
)	
Respondent.)	

ORDER


This action is filed by a state prisoner appearing pro se, who has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. On April 18, 2013, Magistrate Judge Gary M. Purcell submitted a Second Supplemental Report and Recommendation which recommends granting the motion to dismiss the petition because the petition is untimely. Motion to Dismiss, doc. no. 14; Second Supplemental Report, doc. no. 22. Petitioner filed an untitled document, at doc. no. 23, which the court construes as an objection to the Second Supplemental Report and Recommendation.¹

After *de novo* review of all objected to matters, petitioner's objections are **DENIED**; the Second Supplemental Report and Recommendation of the Magistrate

¹The document is not signed and therefore does not comply with Rule 11, Fed. R. Civ. P. Rule 11. The court does not strike the document and require a corrected (signed) document because, after review, it is apparent the petitioner's objections are not meritorious and do not change the result here.

Judge is **ACCEPTED, ADOPTED** and **AFFIRMED**; the motion to dismiss is **GRANTED**; and the petition for a writ of habeas corpus is **DISMISSED** as untimely.

Dated this 28th day of May, 2013.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

12-1357p004.wpd